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(Independent Group Supporting the Special Autonomous Region
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22nd September 2010
House Committee on Foreign Affairs
Congress of the United States
U.S. House of Representatives - Washington DC

Firstly of all, on behalf of the *IGSSARPRI FOUNDATION*, I wish to respectfully register our most sincere gratitude with the Chairman of the House Committee on Foreign Affairs, His Excellency Congressman Howard L. Berman, and, in particular, with the Chairman of the Sub-Committee on Asia, the Pacific and the Global Environment, His Excellency Congressman Eni F.H. Faleomavaega, for the considered and expeditious manner in which their respective offices had enabled us to attend and be heard at this hearing entitled, **"Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?"**.

At the outset, I wish to make it absolutely clear to the Committee that the views I express here are that of the Foundation and I speak strictly and solely for and on its behalf, based on our own observation and assessment of developments in relation to human rights conditions in Papua and political circumstances in the prescribed region both before and after the advent of reforms at the close of the 1990s some ten years ago.

It is also equally important for the Committee to know that neither am I here to incriminate or exonerate anyone, or even attempt to dispute rightful representations being made or authentic information being supplied by others sharing this humanitarian concern.

Human rights conditions in Papua had long been a sensitive and pressing subject requiring some serious attention, particularly from the Indonesian government itself in the first place and other institutions equally obliged to making amends. In fact, history has it that the United States under the leadership of the then President John F. Kennedy played a decisive role in the early 1960s in getting Papua re-incorporated into the Republic of Indonesia. I am, therefore, particularly pleased to say that it is only appropriate that the U.S. House of Representatives, through an act of this Committee in convening this hearing, has finally acknowledged this historical fact and had willingly accepted some degree of responsibility by offering to investigate the state of affairs in Papua, both before and now, with a view to eliminating what the Committee in its own words has described as "crime againsts humanity".

Be it as it may, the *IGSSARPRI FOUNDATION*, regrets to say that such seemingly humanitarian gesture could have come at a more appropriate time, a period spanning over no less than some 40 years since Papua's re-incorporation into the republic back in 1963, during which time, the Indonesian authorities today openly admit, much of the more serious human rights breaches had occurred. Has it been really necessary for the U.S. House of Representatives to have waited all these years to formally commission an inquiry into the predicaments the people of Papua had had to face for decades? Why only now of all times, the House decides to act, when from all accounts, including reports diligently compiled even by the US Government's own agencies, tell us of much improved human rights conditions right across Indonesia, including Papua, since the beginning of reforms and the process of democratization first unfolded in earnest in the late 1990s?

No one denies that Indonesia had witnessed some of the worst human right breaches in recent history, However, by the same token, even in my previous position as a staunch opponent of the Indonesian government, I dare say that there is credible evidence on hand to suggest that military related human rights breaches across the nation, including Papua, had significantly subsided and largely brought under strict government scrutiny. Papuans today have greater freedom of speech, association and assembly than they have had for decades. These rights have further been strengthened and guaranteed under the reformed laws and political restructuring being brought about, whilst the military and the police have been relegated to strictly performing their stated Constitutional duties instead of venturing into civilian roles almost at will, as had been the case in Papua for years previously.

It is also worth noting, particularly for this Committee, as to how the issues of human rights breaches in the region had quickly manifested into a marketable political and economic commodity conveniently used by parties with vested interests to highlight their plights. The military too on the other hand often initiate actions tantamount to serious breaches against humanity as a way to justify its claims for higher operational budgets. An important question begging for an answer, therefore: Is the so-called war seemingly directed at Papuan independence advocates real, deliberately engineered or imagined?

Meanwhile, I am pleased to openly submit before this Committee, on behalf of the *IGSSARPRI FOUNDATION*, certain information pertaining to latest developments in relation to the issue of human rights breaches in Papua, as we in the Foundation see it.

However, the issue of human rights breaches has lately become a key phenomena often used by the OPM groups within Indonesia and abroad to push their cause for self-determination and outright independence establishing a separate nation-state outside the Republic of Indonesia. This is clearly happening with the involvement and complicity of certain pro-democracy international NGOs and a collection of other entities.

Needless to say, there had been a number of incidents in recent years providing a convenient ground for the OPM to exploit them as human rights cases, which in turn enabled the international NGO networks to once again seize the opportunity to raise serious allegations of human right breaches against government institutions, particularly the military and the police (TNI/Polri).

Consistent with changes taking place throughout the nation, TNI/Polri too had taken necessary steps to implement its own set of reforms internally. These reform efforts has significantly raised awareness, greater understanding and appreciation among servicemen and women about the importance of observing universal human rights, their protection clauses and the need for developing greater respect for laws generally. These improvements, including growing public scrutiny, as expected, had largely denied opportunities for TNI/Polri to commit human rights breaches. Therefore, on close scrutiny, certain allegations levelled at TNI/Polri are often deliberately manufactured to help justify demand for political independence. I can speak about this with authority, as I had been engaged in such enterprise myself for years in my previous role as a leader of the independence movement based abroad.

This Committee would have known of the wilful murder of Papuan independence leader, the late Theys Hiyo Eluay, and his driver Aristoteles Masoka, committed by members of Kopassus, military's elite forces, after having attended the unit's anniversary celebrations along with other community leaders at its Tribuana headquarters in Hamadi on the outskirt of Jayapura on 10th November 2001. The Foundation to this day regrets such brutal action taken against a Papuan leader who, we unreservedly still believe, was a harmless person and that his premeditated murder was most unwarranted. Forcefully taking Masoka's life was equally inhuman and totally unnecessary.

After a lengthy process of investigation involving the police, National Human Rights Commission, and an independent team of investigators from the TNI headquarters in Jakarta, all named seven (7) murder perpetrators stood trial and finally found guilty in a Surabaya military court on 21 April 2003 and had served out their prison sentences ranging from two (2) to three and half (3 ½) years.

Similarly, there was a recent shooting incident in the Yapen-Waropen region in which a policeman on 3 August last year, when giving chase, shot dead Yawan Wayeni, a leader of a militant OPM group who had been operating in the area. The deceased had attempted to put up resistance, according to local police report, before being shot and later died through excessive loss of blood, as medical help could not be obtained in time to save his life. Meanwhile police recovered an improvised home-made weapon used to attack the ensuing police patrol. This was clearly a police case in which the person being pursued was armed and who refused orders to surrender and had instead opened fire on the police. On closer examination of this particular incident, statement alleging human rights abuse contradicted with report stating the cronolgy of events resulting in Yawan's death. Police had maintained they had acted within the law.

The death of a well-known OPM leader, Kelly Kwalik, aged 60, in the hands of Densus 88, the special police anti-terror unit, in the early hours on the morning of 16 December 2009, at a residential dwelling place in the township of Timika had also drawn some strong reaction from Papuans and others alike with the usual claim of government forces committing a human right breach by shooting dead Kwalik. The autopsy result showed the deceased was shot in the head and stomach area and police had maintained they had acted quite within their prescribed operational guide in upholding the law. Kwalik's body was later released to the relatives for burial purposes following exhaustive consultations.

In the three examples cited above, Kwalik and Yawan were clearly police law enforcement related cases, whilst the military had openly admitted responsibility for the brutal death of the late Theys Hiyo Eluay as a number its own serving special forces members were behind the criminal act. It says they had acted independently on their own initiative to murder the late Papuan leader and the perpetrators were duly subjected to established legal processes and punished accordingly. The true circumstances of his driver Masoka's death, however, still shrouded in mystery as his remains had never been found or explained by anyone.

In conclusion, the *IGSSARPRI FOUNDATION*, as an independent and privately funded group, dedicated to collaborating with all institutions and individuals, where ever they may be, including the Government of Indonesia, to creating a just, peaceful and prosperous society in the nation of Indonesia inclusive of Papua, wishes to strongly make the following three-part recommendation on this historic occasion:

1. That the U.S. House of Representatives and the U.S. Administration under the leadership of President Barrack Hussein Obama, as a matter of regional and international strategic priority, reaffirm and strengthen the Comprehensive Partnership Arrangement between the United States and the Republic of Indonesia, without further delay; and,
2. That in future, where necessary, important issues relating to human rights and environmental concerns affecting Papua, as well as political, social and economic empowerment considerations intended for the people of the autonomous region be appropriately addressed strictly within the spirit of the Comprehensive Partnership Arrangement between the two nations; and,
3. That care must at all time be exercised whilst in the pursuit of the objectives of the Comprehensive Partnership Arrangement between the two nations and not allow any party to act in a manner that is liable to inflict unnecessary discomfort and anxiety upon the people of the autonomous region of Papua.